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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,787	11/14/2001	HyungByum Kim	16791	3121

23556 7590 11/25/2003

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EXAMINER

REICHLE, KARIN M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 11/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,787

Applicant(s)

KIM ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The amendment to the drawings filed 11-14-01 did not comply with 37 CFR 1.121 as revised because, contrary to Applicants remarks on page 1, a replacement sheet of drawings is not of record. Any further response should include a replacement sheet of Figures.

Specification

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the nonwoven or fibrous nature of the layers as claimed in claims 1-14 still must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Description

3. The disclosure is objected to because of the following informalities: In the amendment to page 10, line 6, line 1 thereof, "The ... have" should be --The invention advantageously includes--.

Appropriate correction is required.

Claim Objections

4. Claims 1-16 are objected to because of the following informalities: in claims 1, 7, 13 and 15, "bodyside"(all) should be --body-faceable side--. In claim 7, last line, "the ... area" should be --a total surface area of the laminate--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 11, a positive structural antecedent basis for "said apertures...layers" should be defined, i.e. claim 7 only defines apertures in the laminate, i.e. doesn't necessarily mean in both layers. In regard to claim 12, is Applicant claiming the subcombination of a liner as set forth in the preamble or the combination of a personal care product as claimed in the claim body?

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Prior Art Rejections

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al , PCT '290.

See Figures 1, 5 and 14 of Chen et al. In regard to claim 1, the hydrophilic first layer is 1 and the hydrophobic second layer is 2, see also page 5, line 26, page 6, lines 3-4, 8 and the second full paragraph, page 7, lines 2-4 and 29-30, page 12, lines 10-11, page 37, lines 5-6, 10-11, 27 and 31-32, the paragraph bridging pages 41-42, page 48, the second full paragraph, page 51, line 22 and page 52, lines 11 et seq of Chen. With regard to claims 2, 14 and 16, see page 42, first full paragraph. With regard to claim 3, see page 4, lines 6-7 for example. With regard to claim 4, see page 38, lines 24-28 and page 53, last paragraph. With regard to claims 15 and 5, see page 44, lines 5-10, page 47, last five lines, page 46, lines 28-31 and page 53, lines 4-23. With regard to claim 6, see page 5, line 10, page 44, line 27, page 46, lines 24-26 and page 47, the second full paragraph. With regard to claims 7, 8, 10-11 and 15, see the portions cited with regard to claims 1-6 and page 6, lines 28-29 and page 53, lines 24-25. With regard to claim 9, see page 51, line 6. With regard to claim 12, and 13, see page 10, lines 7-9.

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Response to Arguments

8. Applicants remarks with respect to the formal matters have been noted but are either deemed moot in that the issue has not been reraised or is deemed nonpersuasive for the reasons set forth supra. Applicants remarks with regard to the prior art have been considered but are deemed nonpersuasive in that they are narrower than the claim language and the prior art teachings. Specifically, the claims do not require the hydrophilic layer be the uppermost body contacting layer of the liner just that it is bodyside, i.e. closer to the body than a second hydrophobic layer. Also the prior art to Chen teaches a hydrophobic layer, see, e.g. page 42, first full paragraph, laminated to a hydrophilic layer to form a web, see cited portions supra, which web can be laminated with other like webs, i.e. see page 48, lines 19-21 and 26-27, i.e. the hydrophilic layer of the uppermost web of a laminate would be bodyside with respect to the hydrophobic layer of the underlying web of a laminate.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by the amendments to the claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. M. Reichle whose telephone number is 703-308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

K.M. Reichle
KARIN REICHLÉ
PATENT EXAMINER

KMR

November 15, 2003